

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WILLIE HARRIS,)	
)	
Plaintiff,)	
)	
v.)	2:05-cv-00413-JHH-PWG
)	
COI BOTHWELL ¹ , et. al.,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

On November 2, 2005, the magistrate judge filed a report and recommendation in this action filed pursuant to 42 U.S.C. § 1983, recommending that all claims against all defendants be DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), with the exception of plaintiff's false imprisonment, Fourth and Fourteenth Amendment claims against defendant Bothwell. The magistrate judge further recommended that plaintiff's false imprisonment, Fourth and Fourteenth Amendment claims against defendant Bothwell be REFERRED to the magistrate judge for further proceedings. Plaintiff filed objections to the report and recommendation on December 7, 2005. (Doc. 13).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Additionally, the court notes that in his original complaint, plaintiff spelled defendant Cedric Bothwell's surname, "Boswell." However, in his special report, COI Anthony Boswell declares that Cedric Bothwell is the proper defendant in regard to the allegations in plaintiff's

¹ In his original complaint, plaintiff spelled defendant Cedric Bothwell's surname, "Boswell."

complaint. (doc. 11). Plaintiff agrees that the proper name for the individual he intended to name as a defendant is COI Cedric Bothwell. (Doc. 12).

Accordingly, to the extent plaintiff complaint can be interpreted as stating any claims against COI Anthony Boswell, same are due to be DISMISSED. Further, all claims against all defendants named in plaintiff's original complaint are due to be DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), with the exception of plaintiff's false imprisonment, Fourth and Fourteenth Amendment claims against defendant Bothwell.² Plaintiff's false imprisonment, Fourth and Fourteenth Amendment claims against defendant Bothwell are due to be REFERRED to the magistrate judge for further proceedings.

An appropriate order will be entered.

DONE this the 11th day of January, 2006.



SENIOR UNITED STATES DISTRICT JUDGE

² In his original complaint, plaintiff spelled defendant Bothwell's surname, "Boswell."